

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

SCOTT M. KOSITI,)	
)	
Petitioner,)	Civil Action No. 05-1372
)	
v.)	Judge Lancaster
)	Magistrate Judge Caiazza
PAUL JENNINGS, <i>et al.</i> ,)	
)	
Respondents.)	

MEMORANDUM ORDER

Scott M. Kositi's Petition for Writ of Habeas Corpus was transferred to this Court from the United States District Court for the Middle District of Pennsylvania on September 30, 2005, and was referred to United States Magistrate Judge Francis X. Caiazza for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Magistrate Judge's Report and Recommendation, filed on May 7, 2007, recommended that the Petition for Writ of Habeas Corpus filed by Petitioner Kositi be dismissed and that a certificate of appealability be denied. The parties were allowed ten days from the date of service of the report to file objections. Service was made on the Petitioner by First Class United States Mail delivered to the State Correctional Institution at Laurel Highlands. Objections to the report and recommendation were due on May 23, 2007, but none have been filed.

After de novo review of the pleadings and documents in the case, together with the Report and Recommendation, the following order is entered:

AND NOW, this 6th day of June, 2007,

IT IS HEREBY ORDERED that the Petition for Writ of Habeas Corpus filed by Scott M. Kositi is DISMISSED, and a certificate of appealability is DENIED.

The Report and Recommendation of Magistrate Judge Caiazza (Doc. 28) is adopted as the opinion of the court.



Gary L. Lancaster
U.S. District Court Judge

CC:
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